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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/667,147  | 09/19/2003  | Wolfgang Brixius     | BRIXIUS-3           | 8723             |
| 7590  | 06/02/2005  |                      | EXAMINER            |                  |
| Henry M. Feiereisen<br>Suite 4714<br>350 Fifth Avenue<br>New York, NY 10118 |             |                      | FERGUSON, MICHAEL P |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      |                     | 3679             |

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/667,147             | BRIXIUS ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Michael P. Ferguson    | 3679                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/19/03, 02/17/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the flanges of the connector elements positioned at a distance to one another in the end position claimed in claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 2, 3, 12 and 13 objected to because of the following informalities:

Claim 2 (line 5) recites "of one connector". It should recite --of the one connector--.

Claim 3 (line 3) recites "the pin". It should recite --the stem portion--.

Claim 12 (line 2) recites "engagement zones... said engagement zones". It should recite --engagement zone... said engagement zone--.

Claim 13 (line 1) recites "ridge have". It should recite --ridge has--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (US 6,062,816).

As to claim 1, Chang discloses apparatus capable of detachable securement of a motor to an attachment member of a conveyor, comprising:

fastening means 15,16 capable of securing an output side of a motor 12 to the attachment member 14, the fastening means including a pair of connector elements 15,16, with one connector element 15 fastened to an end surface of the motor and the

other connector element **16** fastened to the attachment member, the connector elements configured to define a bayonet coupling for detachable interconnection thereof and having aligned through bores for passage of a motor shaft of the motor, when the connector elements adjoin one another in a receiving position and are secured to one another in an end position via the bayonet coupling, as the connector elements are turned and/or shifted relative to one another, wherein the bayonet coupling includes a bayonet element **28** projecting out of one of the connector elements **15** for reception in an opening **34** of the other one of the connector elements **16**, the bayonet coupling being constructed with an inclined surface (defined by flexing of connector elements **15,16**) to effect a movement of the connector elements toward one another in axial direction as the connector elements are turned and/or shift relative to one another; and securing means **39** for safeguarding the connector elements against detachment, when the connector elements are secured to one another (Figure 1).

As to claim 2, Chang discloses an apparatus wherein the one of the connector elements **15** has a plurality of the bayonet element **28**, and the other one of the connector elements **16** has a plurality of the opening **34**, whereby the plurality of bayonet elements and the plurality of openings are placed in one-to-one correspondence, wherein the bayonet elements of the one connector element engage behind the openings of the other connector element (Figure 1).

As to claim 6, Chang discloses an apparatus wherein the securing means **39** includes a first flange **28** connected to an outer circumference of one connector element **15**, a second flange **36** connected to an outer circumference of the other connector

element **16**, and a securing element **39** for coupling the first and second flanges, when the connector elements assume the end position, to thereby restrain the connector elements against rotation and/or displacement (Figure 1).

As to claim 7, Chang discloses an apparatus wherein the flanges **28,36** of the connector elements **15,16** abut one another in the end position (Figure 2).

As to claim 8, Chang discloses an apparatus wherein the flanges **28,36** of the connector elements **15,16** are positioned at a distance (of zero spacing) to one another in the end position (Figure 2).

As to claim 9, Chang discloses an apparatus wherein the securing element **39** is a fastening screw (Figure 1).

As to claim 10, Chang discloses an apparatus wherein the securing element **39** is a thumbscrew (Figure 1).

5. Claims 1-3, 5 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Reiff (US 6,217,248).

As to claim 1, Reiff discloses apparatus capable of detachable securement of a motor to an attachment member of a conveyor, comprising:

fastening means **12,18** capable of securing an output side of a motor **118,120** to the attachment member, the fastening means including a pair of connector elements **12,18**, with one connector element **12** fastened to an end surface of the motor and the other connector element **18** fastened to the attachment member **24**, the connector elements configured to define a bayonet coupling for detachable interconnection thereof and having aligned through bores capable of passage of a motor shaft of a motor, when

the connector elements adjoin one another in a receiving position and are secured to one another in an end position via the bayonet coupling, as the connector elements are turned and/or shifted relative to one another, wherein the bayonet coupling includes a bayonet element **10** projecting out of one of the connector elements for reception in an opening **20** of the other one of the connector elements, the bayonet coupling being constructed with an inclined surface **20** to effect a movement of the connector elements toward one another in axial direction as the connector elements are turned and/or shift relative to one another; and

securing means **28** for safeguarding the connector elements against detachment, when the connector elements are secured to one another (Figures 1 and 6).

As to claim 2, Reiff discloses an apparatus wherein the one of the connector elements **12** has a plurality of the bayonet element **10**, and the other one of the connector elements **18** has a plurality of the opening **20**, whereby the plurality of bayonet elements and the plurality of openings are placed in one-to-one correspondence, wherein the bayonet elements of the one connector element engage behind the openings of the other connector element (Figure 1).

As to claim 3, Reiff discloses an apparatus wherein the bayonet element **10** includes a stem portion, which is disposed in parallel relationship to the motor shaft and has a free end, and a head portion **13**, which is disposed on the free end of the stem portion and has a cross section which extends beyond the stem portion in transverse direction (Figure 1).

As to claim 5, Reiff discloses an apparatus wherein the other connector element **18** has a head-proximal side which is slanted to define the inclined surface **20** of the bayonet coupling to enable the connector elements to move toward one another in axial direction as the connector elements are turned and/or shifted relative to one another (Figure 1).

As to claim 11, Reiff discloses an apparatus wherein the head portion **13** has a diameter which exceeds a diameter of the stem portion (Figure 1).

As to claim 12, Reiff discloses an apparatus wherein the other connector element **18** is formed with an engagement zone **20** in an area adjacent to the opening, the engagement zone having a ridge extending in circumferential direction and cooperating with the bayonet element **10** (Figure 1).

As to claim 13, Reiff discloses an apparatus wherein the ridge **20** has a tapered configuration in the direction of the opening to define the inclined surface **20** of the bayonet coupling (Figure 1).

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiff in view of Malish et al. (US 5,645,365).

As to claim 4, Reiff fails to disclose an apparatus wherein the head portion has an underside in confronting relationship to the stem portion, the underside being slanted in direction of turning and/or shifting to define the inclined surface of the bayonet coupling.

Malish et al. teach an apparatus wherein a head portion of a bayonet element **28** has an underside **30** slanted (slanted corners **25**) in direction of turning and/or shifting to define an inclined surface of the bayonet coupling; the slanted underside providing for easier insertion and rotation of the bayonet element within an opening (Figures 1-4). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify an apparatus as disclosed by Reiff to have a head portion having a slanted underside as taught by Malish et al. in order to provide for easier insertion and rotation of the bayonet element within an opening.

### ***Conclusion***

The prior art made of record, and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to bayonet couplings:

Toshiba Corp (JP 62-77844), McAnally et al. (US 5,688,030) and Graham (US 4,385,577) are cited for pertaining to couplings comprising a plurality of bayonet elements and a plurality of openings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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